

PATENT
1254-0255P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants: Kenji TAYAMA et al.

Serial No.: 10/506,325

Group: 1609

Filed: September 2, 2004

Examiner: T.P. Thomas

For: COMPOSITIONS FOR PREVENTING HYPERTENSION

DECLARATION UNDER 37 C.F.R. § 1.131

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

We, Kenji Tayama, Shino Kondou, Sumio Akita and Yoshinuri Tsukamoto, declare as follows:

1. We are the listed Inventors of the subject matter disclosed and claimed in the above-identified U.S. Patent application, and we are familiar with the prosecution history of the application.
2. We understand that the Examiner has rejected the claims over a publication by Kondo et al. (Bioscience, Biotechnology, and Biochemistry, Vol. 65, December 2001). It is our understanding that the Kondo et al. publication was published in December 2001.
3. We constructively reduced to practice the invention claimed in the above-referenced application prior to December, 2001. As evidence of our prior invention, the following items are attached:

Exhibit 1.1 is a sworn English translation of Japanese patent application No. 2000-394632. We, Kenji Tayama, Shino Kondou, Sumio Akita and Yoshinuri Tsukamoto, are the inventors of the present U.S. patent application and co-inventors of Japanese patent application No. 2000-394632. Japanese patent application No. 2000-394632 describes the invention recited in claims 5 and 14-16 of the present application. For instance, see Example 9, page 19 and figure 19 of Japanese patent application No. 2000-394632. In addition, Japanese patent application No. 2000-394632 was filed on December 26, 2000, prior to the Kondo et al. publication date. Accordingly, Applicants invented the presently claimed subject matter prior to the date of the Kondo et al. publication.

Exhibit 1.2 is a sworn English translation of Japanese patent application No. 2001-298211. We, Kenji Tayama, Shino Kondou, Sumio Akita and Yoshinuri Tsukamoto, are the inventors of the present U.S. patent application and co-inventors of Japanese patent application No. 2001-298211. Japanese patent application No. 2001-298211 describes the invention recited in claims 5 and 14-16 of the present application. For instance, see Example 9, page 19 and figure 19 of Japanese patent application No. 2001-298211. In addition, Japanese patent application No. 2000-394632 was filed on December 26, 2000, prior to the Kondo et al. publication date. Accordingly, Applicants invented the presently claimed subject matter prior to the date of the Kondo et al. publication.

I hereby declare that all statements made herein of my own knowledge are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Kenji Tayama
Signed/ Kenji Tayama

Shino Kondo
Signed/Shino Kondou

Sumio Akita
Signed/ Sumio Akita

Yoshinuri Tsukamoto
Signed/Yoshinuri Tsukamoto

August 23, 2007
Date

August 29, 2007
Date

August 30, 2007
Date

August 31, 2007
Date